

Appl. No. : 09/591,026
Filed : June 9, 2000

REMARKS

In response to the final Office Action mailed October 26, 2004, Applicant has cancelled Claims 1-10, without prejudice. Upon the entry of the amendments, Claims 11-17 are pending in this application. Applicant respectfully requests reconsideration of the application in view of the amendments.

Discussion of Patentability of Pending Claims

Claims 11-17 have been allowed, over the prior art of record, by the Examiner. Claims 1-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tzannes (U.S. Patent No. 6,252,909) in view of Galton (U.S. Patent No. 6,369,404). In order to expedite the prosecution of the application, Applicant has cancelled rejected Claims 1-10 without prejudice. Applicant reserves the right to argue for patentability of Claims 1-10 in another patent application filed at a later date.

Discussion of Information Disclosure Statement

Applicant has noticed that the Examiner has not provided an initialed PTO-1449 form for the five (5) non-patent references submitted on October 6, 2004 as an information disclosure statement (IDS). Applicant encloses a copy of the PTO-1449 form as filed as a courtesy copy. Applicant respectfully requests that the Examiner consider the IDS references in this application and provide an initialed PTO-1449 form in the next Action.

Comments on Statement of Reasons for Allowance

Applicant wishes to respond to the comments on the claims made on pages 7-8 of the Action. With regard to the Examiner's comments on allowed Claims 11-16, Applicant respectfully submits that the means-plus-function claim terms should be construed to cover not only the corresponding structure, material or acts described in the specification, but also equivalents thereof. With regard to the Examiner's comments on allowed Claim 17, Applicant respectfully submits that Claim 17 must not be interpreted as a means-plus-function claim since the claim does not recite means-plus-function language. The Examiner's confirmation of this is respectfully requested in the next Action. Furthermore, Applicant respectfully submits that each allowed claim is distinguished from the prior art in view of the entirety of its verbiage and not any particular language as, for example, has been noted by the Examiner.

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CONCLUSION

In view of Applicant's cancellation of rejected Claims 1-10, it is respectfully submitted that the present application is in condition for allowance. If the Examiner has any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the indicated telephone number.


Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

1/25/05

By: _____


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